

**FREDERICK COUNTY BOARD OF APPEALS**  
**STAFF REPORT FOR March 24, 2022 @ 7pm**

**Case Number:** B-22-09 (B267830)

**Applicant:** Phillip Keller

**Application:** Requesting approval of a Special Exception to permit an Accessory Dwelling Unit (ADU) Greater than 1,000 sq. ft. in accordance with Section 1-19-3.210 and Section 1-19-8.321 of the Frederick County Code. The ADU is 1,805 sq. ft.

**Location:** Property is described as 12770 Barnett Road, Mt. Airy, MD 21771, Tax Map 80, Parcel 0170, Tax ID #18388677, Zoned Agricultural (A), Size 28.91 Acres.

**Planning Region:** New Market

**Zoning District:** (AG)

**Comp. Plan Designation:** Agricultural

**Applicable Ordinances:** Sec. 1-19-3.210 Special Exceptions  
Sec. 1-19-8.321 Accessory Dwelling Units Greater Than 1,000 Square Feet.

**Background:**

The Accessory Dwelling Unit (ADU) is constructed as part of a private horse riding arena structure on the Property. The ADU is located on agriculturally zoned property. The total square footage of the arena structure is 10,080 sq.ft. with the total ADU size of 1,805 sq.ft. The structure in which the ADU will be located within, is a riding arena. The primary residence on the property is 4,742 sq.ft. with a footprint of 3,889 sq.ft.

**Proposal**

The proposed special exception request is for one attached ADU larger than 1,000 square feet. The horse riding arena structure was built in 2005 the ADU is part of the existing structure on the Property. The ADU will be updated to meet the Frederick County Code zoning and building code requirements for a dwelling unit.

### **§1-19-3.210 - General Requirements for a Special Exception.**

- A. An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.

**The Applicants state that this Special Exception is being requested by Phillip and Christy Keller, owners of Lot 6 Barnett Subdivision located at 12770 Barnett Drive, Mount Airy, Maryland. The address of the ADU is 12766 Barnett Drive.**

- B. A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:

1. The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of Chapter 1-19 of the Frederick County Code; and

**The Applicants state that the existing Accessory Dwelling Unit was established in 2005 and is consistent with the purpose and intent of the Comprehensive Development Plan and Chapter 1-19 of the Frederick County Code. The Accessory Dwelling Unit is located on agriculturally zoned land. Per § 1-19-8.321. Accessory Dwelling Unit greater than 1,000 SF is allowed in an agriculturally zoned lot. The property is 28.9 acres.**

**\*Please note that the ADU was constructed in 2005 without proper permits or approvals.**

2. The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and

**The Applicants state that the ADU is 1,805 SF and is located a minimum of 153 ft. from the property line. The Auxiliary Dwelling Unit is approximately 640 ft. from the adjacent property single family house. In addition, it is adjacent to a large riding area on the lot and, since it is located on a 28.9-acre lot, it is in harmony with the surrounding neighborhood. The primary residence is 4,742 sq.ft.**

3. Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and

**The Applicants state that the ADU is located a minimum of 153 ft. from the property line. The Auxiliary Dwelling Unit is approximately 640 ft. from the adjacent property single family house. In its current location on a 28.9-acre lot, there is no adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties**

4. Parking areas will comply with the off-street parking regulations of Chapter 1-19 of the Frederick County Code and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

**The Applicants state that the ADU complies with the off-street parking regulations of the Frederick County Code and is screened from adjoining residential uses by existing vegetation and topography.**

5. The road system providing access to the proposed use is adequate to serve the site for the intended use.

**The Applicants state that the ADU access is via the local lot driveway connecting to Barnett Drive, a public roadway.**

**§1-19-8.321 - The following provisions shall apply to all accessory dwelling units greater than 1000 square feet in the RC, A, R1, R3, R5, R8, R12, R16, VC, MXD, PUD and MX districts.**

- A. Only 1 accessory dwelling unit may be created on a lot.

**The Applicants state that there is only one Accessory Dwelling Unit on the lot.**

- B. Accessory dwelling units greater than 1000 square feet shall be allowed in single-family dwellings, in an accessory structure, or built as a separate accessory structure, on a single-family lot.

**The Applicants state that the Accessory Dwelling Unit is 1,805 SF and is attached to the riding arena, located on the agriculturally zoned lot. Primary residence is also on this lot.**

- C. The owner of the property must reside in the principal dwelling or in the accessory dwelling unit.

**The Applicants state that the owners of the property, Phillip and Christy Keller reside on the lot in the principal dwelling structure.**

- D. There must be at least 1 additional parking space provided for the accessory dwelling unit. On-street parking may be utilized to meet this requirement.

**The Applicants state that there is a minimum of one parking space for the ADU.**

- E. An accessory dwelling unit located in an accessory structure or built as a separate accessory structure must comply with the accessory structure requirements of § 1-19-8.240(B).

**The Applicants state that the ADU is constructed as part of the arena structure on the Property. The ADU is located on the Property and is in conformity with § 1-19-8.240(B) since the total square footage of the ADU is 1,805 SF and does not exceed the size of the principal dwelling unit which is 4,742 sq.ft. with a footprint of 3,889 sq.ft.**

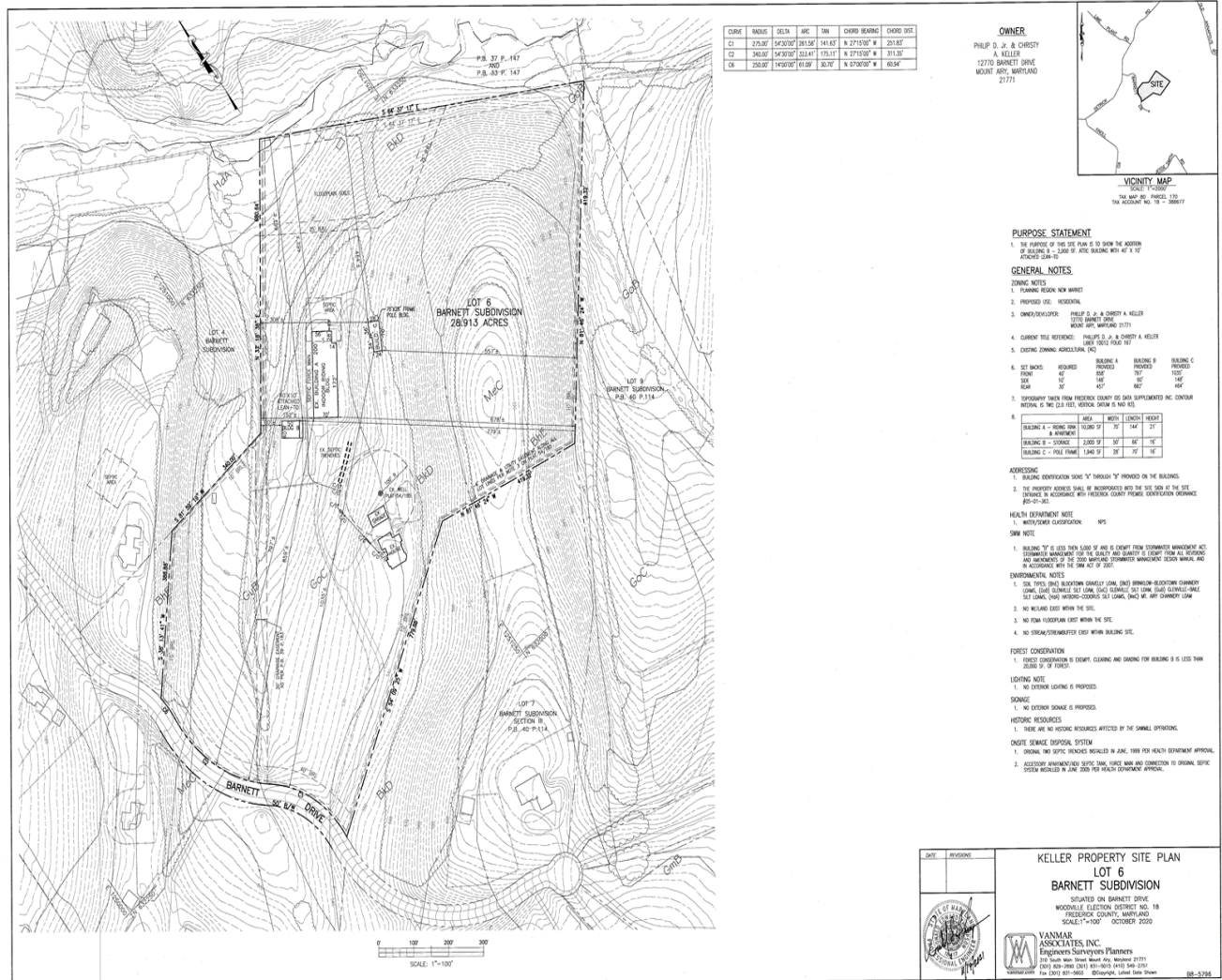
- F. ADUs are intended to serve ongoing housing needs of county residents. Short term rental of ADUs in the nature of extended stay hotels, Airbnbs, or seasonal temporary housing is not permitted.

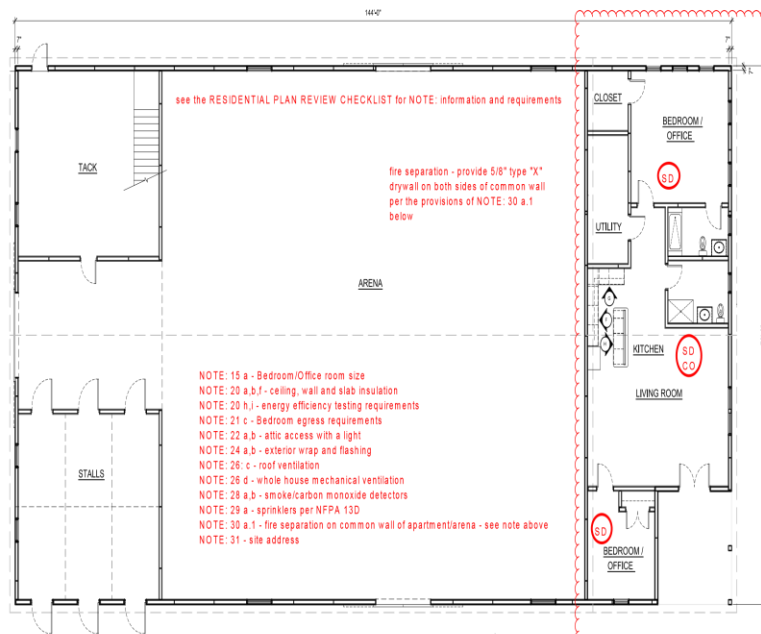
**The Applicants state that the ADU is serving the ongoing housing needs of the county residents and is not used for short term rental in the nature of extended stay hotels, Airbnbs, or seasonal temporary housing.**

**Action Needed:**

Staff requests that the Board consider approval of a Special Exception to permit a 1,805 sq. ft. Accessory Dwelling Unit (ADU) Greater than 1,000 sq. ft. in accordance with Section 1-19-3.210 and Section 1-19-8.321 of the Frederick County Zoning Code.

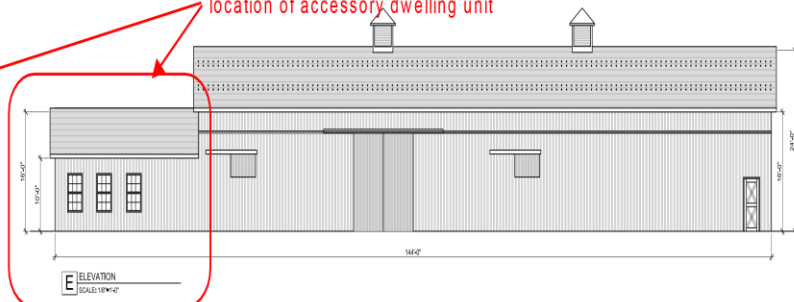
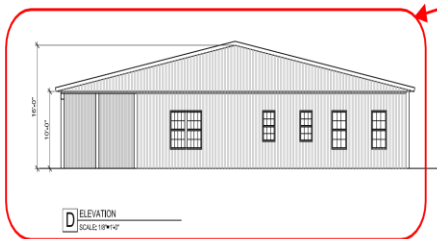
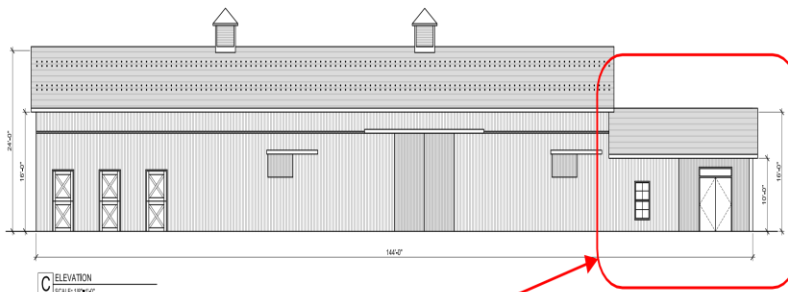
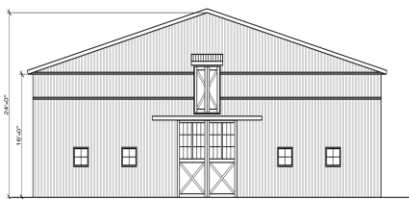
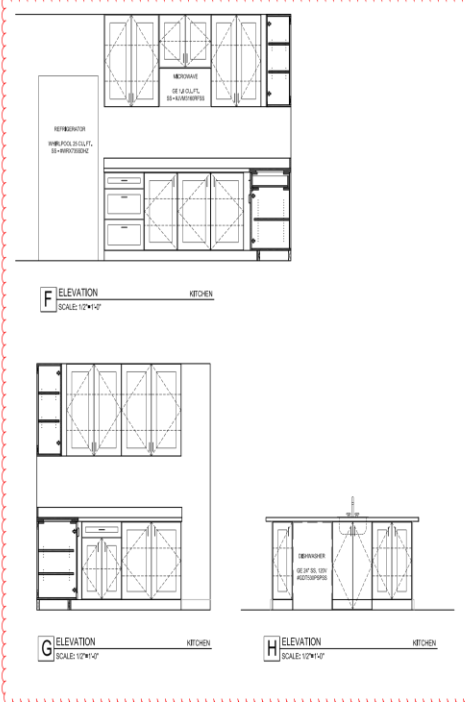
# Site Plan





A OVERALL FLOOR PLAN  
SCALE: 1/8"=1'-0"

9/9/2021





## GIS Maps

